

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO MIDLAND, INC., <i>et al.</i>,	:	
	:	
Plaintiffs,	:	
	:	Case No. 05-1097
v.	:	JUDGE ALGENON L. MARBLEY
	:	Magistrate Judge Mark R. Abel
GORDON PROCTOR, Director,	:	
Ohio Dep't of Transp., <i>et al.</i>,	:	
	:	
Defendants.	:	

ORDER

On March 19, 2008 this Court issued an Order (doc. no. 156) staying the case until the disposition of Plaintiffs' Ohio Midland, Inc. and Roger Barack's (collectively "Plaintiffs") appeal of this Court's summary judgment order. On July 1, 2008, the Sixth Circuit affirmed the order. *Ohio Midland, Inc. Vv. Ohio Dep't Of Transp.*, 295 F.App'x 905 (6th Cir. 2008). Plaintiff, however, filed a petition for certiorari to the United States Supreme Court on January 28, 2009. Consequently, this Court will extend the stay of this case and all pending motions until the resolution of Plaintiffs' attempt to obtain additional appellate review. Consequently, Plaintiffs' Second Motion for Extension of Time (doc. no. 161) is **MOOT**.

The Parties are directed to schedule a status conference with the Court within 30 days of the Supreme Court's decision.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Court Judge

DATE: February 11, 2009